United States of America Before The National Labor Relations Board Region Twenty-Five

E.L.C. Electric, Inc. and its alter Ego and/or Midwest Electric & Retail Contractors, Inc. d/b/a MERC, Inc., and Asset Management Partners, Inc, a single integrated business Enterprise and single employer, and Edward L. Calvert, Individually.

and

International Brotherhood of Electrical Workers, AFL-CIO,

And

International Brotherhood of Electrical Workers, Local Union No. 481, a/w International Brotherhood of Electrical Workers, AFL-CIO

Case Nos.:

25-CA-28283-1 Amended 25-CA-28283-2 Amended 25-CA-28283-4 Amended 25-CA-28398-1 Amended 25-CA-28567 25-CA-28582 25-CA-28637 Amended

Case Nos.:

25-CA-28397-Amended 25-CA-28406 25-CA-28532 Amended

The above entitled matter came on for hearing, pursuant to notice, Before **Ira Sandron, Administrative Law Judge**, at 575 North Pennsylvania Street, Indianapolis, Indiana, on Monday, August 15, 2011, at 10: 00 a.m.

Notice of Appeal

Having received and examined ALJ Ira Sandron's "Supplemental Decision and Order" dated December 20, 2011 regarding the NLRB Cases herein listed; I am requesting that information be forwarded to me to explicate the appeals process. I am desirous to know the necessary first step in the appeals process and each step thereafter so that I might receive a "fair and unbiased" judgment. If possible, I would prefer a trial by a jury of my peers which would eliminate the present rubber stamp process, union biases, and the preferential treatment of the opposing General Counsel.

Reason for Appeal

ALJ Sandron clearly demonstrated his union bias and closed mind throughout the Hearing dates on August 15-18 and on October 6, 2011.

ALJ Sandron consistently rebuked all of Calvert's testimony, using opprobrious words such as; "smacked of evasion, was "inconsistent" in his testimony, was frequently contradicted by other witnesses, gave vague answers, further <u>undermining Calvert's overall credibility</u>, business and personal records were, to <u>put it charitably</u>, haphazard, damaging to Calvert's creditability was his professed "ignorance" of Passman's business operations, Calvert testified—incredibly, and in conflict with Passman's testimony----that he didn't make any loans to MERC, his answer (Calvert's) was totally unbelievable. These insulting and vindictive characterizations of Calvert by ALJ Sandron exhibited throughout this Decision and Order and throughout his previous Decision and Order in the 2003 Hearing ALJ Sandron presided over, clearly indicates ALJ Sandron's malice toward Calvert.

ALJ Sandron consistently (near to or at 100%) "overruled" **every** objection by the Respondent's Attorney, Tom Blankenship, and consistently (near to or at 100%) sustained **every** objection from the AGC, Rebekah Ramirez and union attorney, Neil E Gath.

ALJ Sandron on several occasions would "go off the record" to assist the AGC with the preparation of her case and/or to offer advice to the AGC as to how to present certain information and/or records to the court which if submitted in that manner would allow the ALJ to enter same into the record.

ALJ Sandron consistently throughout the Hearing considered the <u>allegations</u> of AGC Rameriz to be "truthful and accurate"; ignoring and giving no value to any part of Calvert's testimony as truthful, even though Rameriz offered <u>"no real or concrete proof"</u> to substantiate her allegations as truthful.

One example of ALJ Sandron's <u>closed mind</u> and his willingness to use any information, whether creditable or not, to depict Calvert as a consistent liar and crooked businessman was; In his statement in paragraph 50 shown at the bottom of page 6 and the top of page 7, ALJ Sandron states as truthful, that the building and property at 3960 Southeastern Ave in Indianapolis, was at one time titled in the name of ELC but that Calvert and his wife later purchased it and titled it in their names. This statement by the ALJ is <u>"completely"</u> false. Calvert testified many times that this property was never in any name other than Edward and Linda Calvert after the initial purchase, however, ALJ Sandron's "closed mind" and disregard to any of Calvert's testimony keeps him from knowing the difference between allegations and the truth.

Another example of ALJ Sandron's **closed mind** and unwillingness to review information that could favor Calvert, is demonstrated in his statement on page 8 paragraph 10, where he assumes the AGC's allegation that although Calvert loaned ELC personal money of approximately \$1, 231.00 as stipulated to by the AGC, ELC paid a substantial portion of those loans back to the Calvert's of approximately \$420,000, and that this money was paid back after September 6, 2005, inferring that the personal money ELC presently owes to Calvert is much less than that stated. On pages 33, 34, and 35 of my Brief submitted December 12, 2011, Calvert constructed a reference table that listed every check representing a loan to ELC and Asset Management from 2004-2008. Included in this table was the check number, check date, amount of check, from what bank the check was drawn from, and to whom the check went to and for what reason the check was written. Total checks made out to ELC and to Asset Management during this period was \$2,192,328.55. Total checks made out to ELC during this time period was \$1,640,604.55 and to Asset Management was \$551,724.00.

On page 36 of my December 12th Brief, Calvert constructed a reference table listing all checks Calvert received from ELC and Asset Management that were indicated to be for payback of previous personal loans. The end results as of December 12, 2011, was that ELC owes Edward and Linda Calvert \$1, 057,375.50 and Asset Management owes Edward and Linda Calvert \$422, 724.00. Since the AGC subpoenaed all bank records for ELC, Asset Management, and Edward and Linda Calvert and introduced them into the record, ALJ Sandron had this information but chose to ignore the facts in evidence and agreed with the AGC's allegations even though the AGC's allegations were factually incorrect.

There are many other examples of ALJ Sandron's close mindedness, the preferential treatment he gave to the AGC, the ALJ's total disregard of any testimony from Calvert, and the undeniable facts that the ALJ would favor and accept unsubstantiated allegations as factual, presented by the AGC, in lieu of reviewing the exhibits submitted into evidence and coming up with his own conclusions relying clearly on facts and not on allegations. These inaccurate and false statements or assumptions listed within the Decision and Order of ALJ Sandron and the inappropriate actions by the Acting General Counsel, Rebekah Ramirez and Kimberly R. Sorg-Graves, will be addressed at a later date in the Appeals process.

Conclusion

Based on the factual inaccuracies in ALJ Sandron's Supplemental Decision and Order and his

inference to adjudge allegations submitted by the AGC as fact rather than to personally

examine the evidential facts submitted in exhibits and form an independent and unbiased

conclusion of facts, a independent examination of ALJ Ira Sandron's Supplemental Decision and

Order is needed. Facts will be submitted at a later date, and will clearly show ALJ Sandron has a

union bias, is close minded and oblivious to the truth, has provided preferential treatment to

the AGC at the NLRB Hearing, and for some reason has a pre determined opinion that Calvert is

dishonest and nothing Calvert says is truthful, therefore, ALJ Sandron finds fault where there is

no fault and uses his training in word manipulation in an attempt to turn allegations into facts

of evidence.

I look forward to hearing from you regarding this matter.

Dated this 26th day of December, 2011 at Greenfield, Indiana.

/s/ Edward L Calvert

Edward L Calvert

5

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Respondent Edward L. Calvert's Brief has been served by placing in the Judges E-room and to the parties by Electronic Mail on December 12, 2011 upon the following persons, addressed to them at the following addresses:

Judges E-room
Chief Administrative Law Judge
National Labor Relations Board
1099 14th Street, NW, Room 5400 East
Washington, DC 20570-0001
Fax: 202-501-8686

Electronic Mail

Neil Gath
Fillenwarth Dennerline Groth & Towe, LLP
429 E. Vermont Street, Ste. 200
Indianapolis, IN 46202
ngath@fdgtlaborlaw.com

Rebekah Ramirez
Counsel for the General Counsel
National Labor Relations Board
Region 25
575 North Pennsylvania St., Room 238
Indianapolis, Indiana 46204
rebekah.ramirez@nlrb.gov

Administrative Law Judge Ira Sandron Ira.sandron@nlrb.gov

US Mail

Kevin Passman, Pro Se 520 Valley Oaks Road Greenwood, Indiana 46143

/s/ Edward L. Calvert

Edward L. Calvert